

Exhibit C

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**ERIC JACKSON, ALARIC STONE, and
MICHAEL MARCENELLE**, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

KRISTI NOEM, in her official
capacity as Secretary of Homeland Security,
PETE HEGSETH, in his
official capacity as Secretary of Defense,
KEVIN E. LUNDAY, in his official capacity
as Acting Commandant of the Coast Guard, and
MICHAEL H. DAY, in his official capacity
as Acting Deputy Commandant for Personnel
Readiness,

Defendants.

Case No. 4:22-cv-00825-P

DECLARATION OF CDR Kia Ausley

I, *CDR Kia Ausley*, hereby state and declare as follows:

1. I am a military employee of the United States Coast Guard currently serving as the Boards and Appeals Branch Chief in the Coast Guard Office of Military Personnel Policy and Standards (CG-1M11) Division. The Policy and Standards Division is responsible for the development and management of Coast Guard policies for the recruitment, accession, assignment, promotion/advancement, and separation of military personnel. We ensure policies and any changes are promulgated as directed by the Commandant of the Coast Guard. I make this declaration in my official capacity based upon my personal knowledge and upon information that has been provided to me in the course of my official duties.
2. On January 11, 2023, the Coast Guard cancelled its COVID-19 vaccination policy in alignment with the Department of Defense through a general message, which was announced to

the entire Coast Guard in ALCOAST 012/23. The ALCOAST stated that additional guidance implementing the rescission would be forthcoming, and that guidance quickly followed. The Coast Guard halted the processing of approximately 200 involuntary administrative separation packages for enlisted members. Similarly, the Coast Guard contacted all officers pending board action based on their COVID-19 vaccination status and informed them that the pending board action was cancelled, and officers who elected separation in lieu of board action were contacted to inform them that their impending separations were cancelled. Coast Guard reservists who had been placed on the Inactive Status List (ISL) based solely on their COVID-19 vaccination status were removed from the ISL and returned to the Selected Reserve if they desired. The Coast Guard removed past adverse actions and specific administrative remarks relating to COVID-19 vaccination from service members' records, prohibited new adverse actions, and canceled the policies that imposed COVID-19 vaccination requirements for assignments, boards and panels, training, education, and command positions. Enlisted members on advancement lists whose advancement had been withheld based on their COVID-19 vaccination status were advanced. Enlisted members were also eligible to reenlist or to extend their enlistment contracts regardless of whether they had been vaccinated against COVID-19. See, e.g., ALCGPSC 012/23; ALCGENL 013/23; ALCGOFF 005/23; ALCGRSV 003/23; ALCGPSC 024/23; ALCGPSC 044/23; ALCGPSC 058/23; ALCGOFF 042/23. The Coast Guard encouraged enlisted members whose advancement was previously withheld due to their vaccination status to pursue advancement in 2023 and directed commanding officers to amend previous recommendations against advancement based on a member's refusal to receive the COVID-19 vaccine, ALCGENL 013/23, ¶ 4.A-C.

3. Ensuring that enlisted members who were now eligible to take the May 2023 Service Wide Exam (SWE) and compete for promotion were able to qualify was a significant priority for the Coast Guard and required several actions to be accomplished quickly by Coast Guard units, their servicing personnel office, and the Personnel Service Center. Any Commanding Officer who had given a member a mark of “Not Recommended” for advancement based solely on their COVID-19 vaccination status was directed to submit a Commanding Officer’s Recommendation Change (CORC) Enlisted Employee Review (EER) by April 1, 2023, to ensure their members were eligible to take the SWE. Commands were also directed to change any Conduct award marks on the most recent EER if an Unsatisfactory mark was based solely on the members COVID-19 vaccination status, also by April 1, 2023. Members were required to confirm that their Personnel Data Extract (PDE) was correct including that it reflected a status of “eligible” and report discrepancies to their administrative office or servicing personnel office. This also had to be completed by April 1, 2023.

4. In 2023, the Coast Guard created a special team to assist former Coast Guard members who separated either voluntarily or involuntarily due to the previous COVID-19 vaccination requirement to return to service. Returning members were restored to their previous rank and those who had promotions or advancements withheld solely due to their COVID-19 vaccination status had those promotions or advancements restored, assuming they met all other requirements. Lost or unpaid leave was restored.

5. On January 27, 2025, the President signed Executive Order on Reinstating Service Members Discharged Under the Military’s COVID-19 Vaccination Mandate. E.O. 14184. The Coast Guard then reinstated its Return to Service Team to again assist former Coast Guard members who separated either voluntarily or involuntarily due to the previous COVID-19

vaccination requirement to return to service. From 2023 through May 22, 2025, the Coast Guard has reinstated 69 of the 274 members who were involuntarily discharged solely for their COVID-19 vaccination status and an additional 308 members who voluntarily separated while the vaccine mandate was in effect. To implement E.O. 14184, on May 22, 2025, the Coast Guard requested the Secretary of the Department of Homeland Security to file a group request for the correction of military records for all members separated from the service based solely on their COVID-19 vaccination status with the Coast Guard Board for Corrections of Military Records pursuant to 10 U.S.C. § 1552(b). The Secretary authorized the group application on May 29, 2025. On June 2, 2025, the Coast Guard issued ALCOAST 248/25 informing all members who were involuntarily separated from the Coast Guard based on their COVID-19 vaccination status that they will be automatically included in the group application to the BCMR. Following a BCMR order to award these members constructive service credit, the Coast Guard will calculate and award backpay, benefits, bonuses, or other compensation that each member would have earned had they remained on active duty during their period of separation.

6. In accordance with the Coast Guard Medical Manual, COMDINST M6000.1F, the COVID-19 vaccine is not a medical readiness requirement. As such, COVID-19 vaccination status is not considered in assessing individual service member readiness, suitability for assignment, or any other operational mission.

7. In 2023, the Coast Guard received 27 religious accommodation requests for exemption from vaccination and granted 14. From 2024 through the present, the Coast Guard received 108 religious accommodation requests of which 18 have been approved, 30 are still in the adjudication process, and 28 were returned without action because the exception to policy was no longer needed, e.g., the flu season was over and the flu vaccine was no longer recommended.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of June 2025.

AUSLEY.KIA. Digitally signed by
KITISHA.127 AUSLEY.KIA.KITISHA.
4322469 1274322469
Date: 2025.06.10
16:32:10 -04'00'
CDR Kia Ausley
Chief, Boards and Appeals Branch
Office of Military Personnel Policy
United States Coast Guard